APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,684	06/26/2003	Bernd Moller	P16433-US2	5302

27045	7590	11/04/2005

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EXAMINER
HANNON, CHRISTIAN A

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/606,684	MOLLER ET AL.
	Examiner	Art Unit
	Christian A. Hannon	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 July 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>26 June 2003</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because in Figure 1, items 22, 24 & 26 point to

nothing and are therefore confusing. The arrows should terminate on the subject matter

in which they are intended to denote. Corrected drawing sheets in compliance with 37

CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement-drawing sheet should include all of the figures

appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several

views of the drawings for consistency. Additional replacement sheets may be necessary

to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner

does not accept the changes, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-3,5-6 & 8-11 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Each of the aforementioned claims is rife with

referral to "the mobile terminal." However a mobile terminal is never introduced in the

claims hierarchy.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 2, 4, 5, 9, 11, 12, 13 & 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sauriol et al (US 2003/0125020).

        Regarding claim 1, Sauriol et al teach a platform system, module, (Page 2,

[0015]) software services component comprising at least one functional software unit,

operating system (Page 2, [0017]), a hardware component comprising at least one

hardware unit associated with the at least one functional software unit (Page 2, [0016]);

it is inherent that an operating system interfaces with at the very least a bus, an

interface component comprising at least one software interface, the interface

component being adapted to provide access by mobile-terminal application software to

the software services component and the hardware component during testing of the

mobile terminal and during a lifecycle of the mobile terminal (Page 2, [0020], [0021]).

In regards to claim 2, Sauriol et al teach the platform system of claim 1, wherein

the mobile terminal application software comprises software for testing the mobile

terminal during production of the mobile terminal (Page 2, [0017]).

Regarding claim 4, Sauriol et al teach the platform system of claim 1, wherein the

interface component comprises a middleware services layer (Page 2, [0019]). On the

last line of paragraph [0019], 'file sharing' is being interpreted to mean file sharing

between applications therefore reading on a middleware service layer.

In regards to claim 5, Sauriol et al teach the platform system of claim 2, wherein

a code space occupied by the software for testing the mobile terminal during production

of the mobile terminal may be overwritten after the testing of the mobile terminal during

production has been completed (Page 2, [0020]). While in paragraph [0020] it says that

the EEPROM is configured in development it is an inherent property of EEPROM that it

is rewriteable a number of times.

Regarding claim 9, Sauriol et al teach the platform system of claim 1, wherein the

hardware component interfaces with a factory test system, the factory test system being

adapted to control the software for testing the mobile terminal during production of the

mobile terminal (Page 1, [0014]; Page 2, [0015]).

Regarding claim 11, Sauriol et al teach the platform system of claim 1, wherein

the mobile terminal is for use in a wireless telecommunications system (Page 2, [0017]).

In regards to claim 12, Sauriol et al teach a method of testing a mobile terminal, or module, the method comprising, interoperable connection between the mobile terminal and a test system (Figure 1, Items 104,106,108), wherein the mobile terminal comprises an interface component (Page 2, [0016]), wherein the interface component comprises at least one software interface, providing via the interface component of access by mobile terminal test application software to software and hardware of the mobile terminal during testing of the mobile terminal (Page 1, [0014]; Page 2 [0015]), the test system controlling the mobile terminal test application software via an external interface during the testing of the mobile terminal and retaining the interface component, the hardware, and the software on the mobile terminal (Page 1, [0014]).

Regarding claim 13, Sauriol et al teach the method of claim 12, wherein the mobile terminal is for use in a wireless telecommunication system (Page 2, [0017]).

In regards to claim 18, Sauriol et al teach the method of claim 12, wherein the mobile terminal application software comprises software for testing the mobile terminal during production of the mobile terminal (Page 2, [0017]).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3, 6- 8, 10, 14-16 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sauriol et al in view of O'Riordain (US 6,434,364).

Regarding claim 3, Sauriol et al teach the platform system of claim 1, however Sauriol et al do not teach that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal. O'Riordain teaches that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 7, Lines 41-64; O'Riordain). It would have been obvious to modify the platform system of Sauriol et al to include that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal, such as that taught by O'Riordain, in order to periodically check the platform for errors.

In regards to claim 6, Sauriol et al teach the platform system of claim 2, however Sauriol et al do not teach that the mobile terminal applications software comprises software for use during servicing of the mobile terminal during the lifecycle of the mobile terminal. O'Riordain teaches that the mobile terminal applications software comprises software for use during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 7, Lines 41-64; O'Riordain). It would have been obvious to modify the platform system of Sauriol et al to include the mobile terminal applications software comprising software for use during servicing of the mobile terminal during the lifecycle of the mobile terminal, such as that taught by O'Riordain, in order to periodically check the platform for errors.

Regarding claim 7, Sauriol et al and O'Riordain teach the platform system of claim 6, additionally Sauriol et al teach mobile terminal application software (Page 2, [0020]; Sauriol et al).

In regards to claim 8, Sauriol et al teach the platform system of claim 1, however Sauriol et al do not teach that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal. O'Riordain teaches that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 7, Lines 41-64; O'Riordain). It would have been obvious to modify the platform system of Sauriol et al to include that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal, such as that taught by O'Riordain, in order to periodically check the platform for errors.

Regarding claim 10, Sauriol et al teach the platform system of claim 1, however Sauriol et al do not teach wherein the hardware component interfaces with a factory test system, the factory test system being adapted to control the software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal. O'Riordain teaches that the hardware component interfaces with a factory test system, the factory test system being adapted to control the software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 7, Lines 30-64; O'Riordain). It would have been obvious to modify the

platform system of Sauriol et al to include that the hardware component interfaces with a factory test system, the factory test system being adapted to control the software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal, such as that taught by O'Riordain, in order to remove the end user from said testing.

Regarding claim 14, Sauriol et al teach the method of testing a mobile terminal of claim 12, however Sauriol et al do not teach the deleting of the mobile terminal test application software from the mobile terminal after the testing of the mobile terminal has been completed. O'Riordain teaches the deleting of the mobile terminal test application software from the mobile terminal after the testing of the mobile terminal has been completed (Column 7, Lines 51-55; O'Riordain). O'Riordain shows that the mobile terminal is capable of switching between memory banks within the mobile terminal, thereby operationally 'deleting' knowledge of the test application software from the terminal. It would have been obvious to modify Sauriol et al to include the deleting of the mobile terminal test application software from the mobile terminal after the testing of the mobile terminal has been completed, such as that taught by O'Riordain, in order to free memory space available to the end user.

In regards to claim 15, Sauriol et al teach the method of claim 12, however Sauriol et al do not teach that the mobile terminal is provided to a customer with the mobile terminal test application software retained on the mobile terminal, the mobile terminal test application software being inaccessible to end users of the mobile terminal. O'Riordain teaches that the mobile terminal is provided to a customer with the mobile

terminal test application software retained on the mobile terminal, the mobile terminal test application software being inaccessible to end users of the mobile terminal (Column 7, Lines 30-64; O'Riordain). O'Riordain shows that since the memory containing the test application is switched on through a remote operator the end user never has access to this application directly. It would have been obvious to modify Sauriol et al to include that the mobile terminal is provided to a customer with the mobile terminal test application software retained on the mobile terminal, the mobile terminal test application software being inaccessible to end users of the mobile terminal, such as that taught by O'Riordain, in order to not bother the end user with testing procedures.

Regarding claim 16, Sauriol et al teach the method of claim 12, however Sauriol et al do not teach that following the testing of the mobile terminal, providing the mobile terminal to a customer and following the step of providing, deleting the mobile terminal test application software from the mobile terminal. O'Riordain teaches the deleting of the mobile terminal test application software from the mobile terminal after the testing of the mobile terminal has been completed (Column 7, Lines 51-55; O'Riordain), furthermore the user already has the mobile terminal for the duration of the testing and therefore obviously has upon completion of said testing. O'Riordain shows that the mobile terminal is capable of switching between memory banks within the mobile terminal, thereby operationally 'deleting' knowledge of the test application software from the terminal. It would have been obvious to modify Sauriol et al to include the deleting of the mobile terminal test application software from the mobile terminal after the testing

of the mobile terminal has been completed, such as that taught by O'Riordain, in order to free memory space available to the end user.

In regards to claim 19, Sauriol et al teach the method of claim 12, however Sauriol et al do not teach that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal. O'Riordain teaches that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal (Column 7, Lines 41-64; O'Riordain). It would have been obvious to modify the platform system of Sauriol et al to include that the mobile terminal applications software comprises software for testing the mobile terminal during servicing of the mobile terminal during the lifecycle of the mobile terminal, such as that taught by O'Riordain, in order to periodically check the platform for errors.

8.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sauriol et al in view of O'Riordain and further in view of Ozaki (US 2002/0032022).

Regarding claim 17, Sauriol et al and O'Riordain teach the method of claim 14 or 16, however they both fail to teach that adding application software in a code space previously occupied, at least in part, by the deleted mobile terminal application software. Ozaki teaches that adding application software in a code space previously occupied, at least in part, by the deleted mobile terminal application software (Page 2, [0036]; Figure 1, Item 5 & 5a; Ozaki). It would have been obvious to modify Sauriol et al and O'Riordain to include adding application software in a code space previously occupied,

at least in part, by the deleted mobile terminal application software, such as that taught

by Ozaki, in order to conserve memory space.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ferris (US 2003/0004697) discloses a method of designing, modeling or

fabricating a communications baseband stack.

Purpura (US 2003/0051075) discloses a mobile apparatus for configuring

portable devices to be used on-board mobile platforms.

Kanago et al (US 6,587,671) disclose an RF test set with concurrent

measurement architecture.

Arroyo et al (US 2003/0221024) disclose a method, apparatus and system for

connecting system level functionality of a domestic OS of a mobile phone to any

application operating system.

Hurst et al (US 2003/0224823) disclose a method and apparatus for facilitating

over the air activation of pre-programmed memory devices.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian A. Hannon whose telephone number is (571)

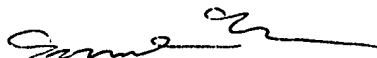272-7385. The examiner can normally be reached on Mon. - Fri. 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Christian A. Hannon
October 20, 2005